

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

PATRICK BERNARD SMITH,

Plaintiff,

versus

TERRI HOPKINS, *et al.*,

Defendants.

CIVIL ACTION NO. 1:23-CV-471

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Patrick Bernard Smith, an inmate confined at the Stiles Unit, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying plaintiff's motion for default judgment.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes the plaintiff's objections are without merit. For the reasons set forth in the report, plaintiff's motion for default judgment is not proper. The motion, therefore, should be denied.

ORDER

Accordingly, the plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is

ADOPTED. It is

ORDERED that plaintiff's motion for default judgment is **DENIED**.

SIGNED at Beaumont, Texas, this 6th day of August, 2025.

Handwritten signature of Marcia A. Crone in black ink.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE